

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
EASTERN DIVISION  
No. 2:15-CV-35-D

RICHARD COLEMAN, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 STATE OF NORTH CAROLINA, et al., )  
 )  
 Defendants. )

**ORDER**

On June 8, 2016, Magistrate Judge Swank issued a Memorandum and Recommendation (“M&R”) [D.E. 6]. In that M&R, Judge Swank recommended that plaintiff’s application to proceed in forma pauperis be granted and that the complaint be dismissed as frivolous. On June 24, 2016, plaintiff filed objections to the M&R [D.E. 8].

The Federal Magistrates Act requires a district court to make a de novo determination of those portions of the magistrate judge’s report or specified proposed findings or recommendations to which objection is made. Diamond v. Colonial Life & Accident Ins. Co., 416 F.3d 310, 315 (4th Cir. 2005) (emphasis, alteration, and quotation omitted); see 28 U.S.C. § 636(b). Absent a timely objection, “a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” Diamond, 416 F.3d at 315 (quotation omitted).

The court has reviewed the M&R, the record, and plaintiff’s objections. As for those portions of the M&R to which plaintiff made no objection, the court is satisfied that there is no clear error on the face of the record.

As for the objections, the court has reviewed the objections and the M&R de novo. The court overrules the objections and adopts the conclusions in the M&R. The court rejects as baseless plaintiff's allegation that the undersigned or Judge Swank are disqualified under 28 U.S.C. § 455.

In sum, plaintiff's application to proceed in forma pauperis [D.E. 1] is GRANTED. Plaintiff's objections to the M&R [D.E. 8] are OVERRULED, and the court ADOPTS the conclusions in the M&R [D.E. 6] and DISMISSES plaintiff's complaint as frivolous. Plaintiff's motion to disqualify [D.E. 4] is DENIED. The clerk shall close the case.

SO ORDERED. This 29 day of June 2016.

  
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JAMES C. DEVER III  
Chief United States District Judge